

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Bell Telephone Company :
(Ameritech Illinois) and :
Z-Tel Communications, Inc. : 00-0419
:
Joint Petition for Approval of an :
Interconnection Agreement dated :
May 12, 2000 pursuant to 47 U.S.C. §252. :

ORDER

By the Commission:

I. PRELIMINARY MATTERS

On June 14, 2000, pursuant to 83 Illinois Administrative Code Part 763, Illinois Bell Telephone Company ("Ameritech Illinois") and Z-Tel Communications, Inc. ("Z-Tel"), filed a joint request for approval of the Interconnection Agreement dated May 12, 2000 (the "Agreement"), under Sections 252(a)(1) and 252 (e) of the Telecommunications Act of 1996, 47 U.S.C. 252(a)(1) and 252(e) ("the Act"). The Agreement was submitted with the request. A statement in support of the request was filed along with verifications sworn to by Willena D. Slocum, on behalf of Ameritech Illinois, and Ron A. Walters, on behalf of Z-Tel, stating that the facts contained in the request for approval are true and correct to the best of their information, knowledge and belief.

Pursuant to notice as required by law and the rules and regulations of the Commission, this matter came on for hearing by a duly authorized Hearing Examiner of the Commission at its offices in Chicago, Illinois, on July 18, 2000. Staff filed the Verified Statement of A. Olusanjo Omoniyi of the Commission's Telecommunications Division. At the hearing on July 18, 2000, Staff, Ameritech Illinois and Z-Tel appeared and agreed that there were no unresolved issues in this proceeding. Mr. Omoniyi's Verified Statement was admitted into evidence and the record was marked "Heard and Taken."

II. SECTION 252 OF THE TELECOMMUNICATIONS ACT

Section 252(a)(1) of the Act allows parties to enter into negotiated agreements regarding requests for interconnection, services or network elements pursuant to

Section 251. Ameritech Illinois and Z-Tel have negotiated such an Agreement and submitted it for approval in this proceeding.

Section 252(e)(1) of the Act provides, in part, that "[a]ny interconnection agreement adopted by negotiation ... shall be submitted for approval to the State Commission." This Section further provides that a State Commission to which such an agreement is submitted "shall approve or reject the agreement, with written findings as to any deficiencies." Section 252(e)(2) provides that the State Commission may only reject the negotiated agreement if it finds that "the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement" or that "the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity."

Section 252(e)(4) provides that the agreement shall be deemed approved if the State Commission fails to act within 90 days after submission by the parties. This provision further states that "(n)o State court shall have jurisdiction to review the action of a of a State Commission in approving or rejecting an agreement under this section." Section 252(e)(5) provides for preemption by the Federal Communication Commission if a State Commission fails to carry out its responsibility and Section 252(e)(6) provides that any party aggrieved by a State Commission's determination on a negotiated agreement may bring an action in an appropriate Federal District Court.

Section 252(h) requires a State Commission to make a copy of each agreement approved under subsection (3) "available for public inspection and copying within 10 days after the agreement or statement is approved."

Section 252(i) requires a local exchange carrier to "make available any interconnection, service, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement."

III. THE AGREEMENT

The Agreement has a two (2) year initial term. Upon expiration of the initial term, the Agreement shall automatically be renewed for additional one (1) year periods ("renewal term") unless a party delivers to the other party written notice of termination of the Agreement at least one hundred twenty (120) days prior to the expiration of the initial term or a renewal term. The Agreement establishes the financial and operational terms between Ameritech Illinois and Z-Tel for resale, access to Ameritech's operations support system functions, and a variety of other business relationships.

IV. POSITIONS OF THE PARTIES

No party contended that this Agreement is discriminatory or contrary to the public interest. Staff reviewed the Agreement in the context of the criteria contained in

Section 252(e)(2)(A) of the Act and determined that it met the necessary requirements. Under this Section, the Commission may only reject an agreement, or any portion thereof, adopted by negotiation under Subsection (a) if it finds that (i) the agreement, or a portion thereof, discriminates against a telecommunications carrier not a party to the agreement; or (ii) the implementation of such agreement, or a portion thereof, is not consistent with the public interest, convenience and necessity.

Mr. Omoniyi stated that the Agreement meets the standards set forth in the telecommunications Act and is consistent with the public interest, convenience and necessity. Staff recommended that the Agreement be approved by the Commission, for the reasons set forth in the verified Statement of Mr. Omoniyi. There are no contested issues in this docket.

V. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having considered the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) Ameritech Illinois and Z-Tel are telecommunications carriers as defined in Section 13-202 of the Public Utilities Act;
- (2) Ameritech Illinois and Z-Tel have entered into an Agreement dated as of May 12, 2000, which has been submitted to the Commission for approval under Section 252(e) of the Telecommunications Act of 1996;
- (3) the Commission has jurisdiction of the parties hereto and the subject matter hereof;
- (4) the recitals of fact and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (5) the Agreement between Ameritech Illinois and Z-Tel does not discriminate against a telecommunications carrier not a party to the Agreement;
- (6) the Agreement between Ameritech Illinois and Z-Tel does not discriminate against a telecommunications carrier not a party to the Agreement;
- (7) in order to assure that the Agreement is in the public interest, Ameritech Illinois should implement the Agreement by filing it with the Chief Clerk of the Commission under separate cover within five days of approval by the Commission. The Chief Clerk shall place the Agreement in the binder which already contains the Agreements approved in prior dockets and which is intended to include all future negotiated agreements approved by the Commission under Section 252(e) of the Act;

- (8) Ameritech Illinois should also place replacement sheets in its tariffs at the following location: Ill.C.C. No. 21 Section 19.15;
- (9) the Agreement should be approved as hereinafter set forth;
- (10) approval of the Agreement does not have any precedential effect on any future negotiated agreements or Commission Orders.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Agreement dated May 12, 2000, between Ameritech Illinois and Z-Tel Communications, Inc., is approved pursuant to Section 252(e) of the Telecommunications Act of 1996.

IT IS FURTHER ORDERED that Ameritech Illinois shall comply with findings (7) and (8) of this Order within five days of the date of this Order.

IT IS FURTHER ORDERED that this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 9th day of August, 2000.

Chairman